

## **REMARKS**

The non-final Office Action of September 23, 2008, has been considered by the Applicants. Claims 49 and 51 have been cancelled. Claims 43-48 and 50 are pending. Previously, the Examiner allowed claims 43-48 and 50, but rejected claims 49 and 51 as addressed more particularly below.

Claims 49 and 51 were rejected under 35 U.S.C. § 101 as allegedly claiming the same invention as claims 1, 5, 9, 26, 30, and 33 of prior U.S. Patent No. 6,749,804.

Claims 49 and 51 have been cancelled, thus this rejection is moot.

## **CONCLUSION**

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 43-48 and 50) are now in condition for allowance. Withdrawal of the rejections and issuance of a Notice of Allowance is requested.

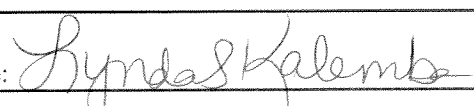
In the event the Examiner considers personal contact advantageous to the disposition of this case, he is hereby authorized to call Richard M. Klein, at telephone number 216-861-5582, Cleveland, OH.

Respectfully submitted,

FAY SHARPE LLP

December 19, 2008  
Date

  
Richard M. Klein, Reg. No. 33,000  
The Halle Building, Fifth Floor  
1228 Euclid Avenue  
Cleveland, OH 44115  
216-363-9000

| CERTIFICATE OF MAILING OR TRANSMISSION                                                                                   |                                                                                                                                                                                                         |
|--------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being |                                                                                                                                                                                                         |
| <input type="checkbox"/>                                                                                                 | deposited with the United States Postal Service as First Class Mail, addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below. |
| <input checked="" type="checkbox"/>                                                                                      | transmitted to the USPTO by electronic transmission via EFS-Web on the date indicated below.                                                                                                            |
|                                                                                                                          | Signature:                                                                                                          |
| Date: December 19, 2008                                                                                                  | Name: Lynda S. Kalemba                                                                                                                                                                                  |

N:\HSC\200007\bjp0007139V001.docx